

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WYATT CAMERON MONTCLAIR,

Defendant.

CR-15-21-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 2, 2021. (Doc. 77.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 31, 2021. (Doc. 72.) The United States accused Montclair of violating his conditions of supervised release 1) by consuming alcohol on two separate occasions; 2) by failing to report to his probation officer as directed; and 3) by using methamphetamine, amphetamine and oxycodone. (Doc. 71.)

At the revocation hearing, Montclair admitted to violating the conditions of his supervised release 1) by consuming alcohol on two separate occasions; 2) by failing to report to his probation officer as directed; and 3) by using methamphetamine, amphetamine and oxycodone. (Doc. 72.) Judge Johnston found that the violations Montclair admitted proved to be serious and warranted revocation, and recommended that Montclair receive a custodial sentence of 4 months with 18 months of supervised release to follow with the first 60 days of supervised release in a secure inpatient drug treatment facility; and the next 180 days in a residential re-entry center, as directed by his probation officer. (Doc. 77.) Montclair was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 72.) The violations prove serious and warrant revocation of Montclair's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 77) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Wyatt Cameron Montclair be sentenced to the custody of the United States Bureau of Prisons for 4 months, with 18 months of supervised release to follow. Montclair will serve the first 60 days of supervised release in a secure inpatient drug treatment facility and the next 180 days in a residential re-entry center, as directed by his probation officer. This sentence should run concurrent with the sentence imposed in CR-14-84-GF-BMM.

DATED this 16th day of September, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

